C/WE
5881
21 APRIL 1966

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IMMEDIATE

CITE DIR   98481

DESENSITIZED

KEYWAY

REF [   ] 283 (IN 01830)   per DOI 70-17

1. HQS PUBLIC POSITION REMAINS THAT KUBARK "UNABLE TO COMMENT" BECAUSE CASE BEFORE

COURT. IT CLEARLY RECOGNIZED THAT THIS LEGAL INABILITY COMMENT DOES NOT APPLY TO

SMABOVES.

2. HOWEVER IT OF GREATEST IMPORTANCE TO US THAT THERE BE LEAST POSSIBLE KNOWLEDGEABLE E

COMMENT AT THIS TIME. IT FULLY APPRECIATED THAT. CASE ARISES AT MOST INOPPORTUNE TIME

FOR SMABOVES. NEVERTHELESS WE FORCED TO HOLD TO OUR POSITION (A) THAT SMABOVE NOT

COMMENT ON KUBARK ORIGIN INFORMATION IF ANY POSSIBILITY EXISTS THAT COMMENTS WILL

BECOME PUBLIC AND (B) THAT KUBARK SMABOVE COOPERATION ON ANY CASE MUST BE TREATED AS

PRIVILEGED UNLESS BY PRIOR AGREEMENT.

3. IF SMABOVES ASKED BY GOVERNMENT TO COMMENT ON CHARGES MADE BY KUBARK, BELIEVE

THEY SHOULD REPLY THAT THEY "NOT ABLE EVALUATE CHARGES DUE FACT THEY RELATE TO

TIME PERIOD PRIOR TO SUBJECT'S ARRIVAL IN CANADA." REPLY TO PRESS INQUIRIES MUST

BE "NO COMMENT." IF PRESS ASKS WHETHER KUBARK HAS PROVIDED TO SMABOVES BASIS FOR

KUBARK CHARGES, REPLY MUST BE THAT ALL EXCHANGES XXXXX OF SECURITY INFORMATION

BETWEEN GOVERNMENTS ARE PRIVILEGED COMMUNICATIONS AND SMABOVES THEREFORE NOT ABLE

COMMENT IN THAT REGARD.

4...

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ORIG :
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TO

FROM: DIRECTOR

CONF :   INFO: VR , FILE ☐ RID COPY

TO   INFO   CITE DIR 98481

4. RE SMABOVE OWN CANADIAN INVESTIGATION, IT WILL ASSIST KUBARK GREATLY IF

SMABOVES CAN FIND SOME MEANS BY WHICH THEY ABLE AVOID PUBLIC COMMENT, E.G.,

ACTIVE CASE.

5. RE PARA 3 REF, THERE NO OBJECTION WHATEVER TO [2   ] DISCUSSION PROBLEM

IN DETAIL WITH SMABOVES. KUBARK POSITIONS OUTLINED PARAS XX 1, 2, 3, AND 4

ABOVE RELATE TO HANDLING OF MATTER BY SMABOVES WITH GOVERNMENT OFFICIALS WHERE

POSSIBILITY EXISTS OF SUBSEQUENT LEAKS TO PRESS.

END OF MESSAGE.

C/S Comment: [   ] assumes that SMABOVES (1) while possible able hold
to "no comment" line with newspapers will have to answer queries originating
within their own government in order for minister make appropriate response
if raised in Parliament.

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